

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOYD, JR.,

Petitioner,

vs.

SCOTT FRAKES, Director of the
Nebraska Department of Correctional
Services; and BRAD HANSEN, Warden
Tecumseh State Correctional Institution;

Respondents.

8:13CV195

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Objection ([Filing No. 129](#)) to the court's August 7, 2017, Memorandum and Order ([Filing No. 128](#)), in which the court condensed and summarized Petitioner's claims in his 58-page Amended Petition for Writ of Habeas Corpus ([Filing No. 127](#)). Petitioner states the following claims are missing from that Memorandum and Order:

Counsel failed to list my signed errors on both Direct appeals in a Federal Context and these Rules of evidence violated my Due process to a fair trial because the prior bad acts of domestic violence were implied improperly and the prior bad acts were uncharged/untried acts used as character that was highly prejudiced to the Petitioner during trial; Counsel failed to raise that the State failed to prove that the matter of death was as a homicide.

([Filing No. 129 at CM/ECF pp. 1-2.](#)) The court refers Petitioner to footnote 2 in [Filing No. 128](#). His claim that counsel failed to raise on direct appeal that the State failed to prove that the matter of death was a homicide is included in Claim Two, subpart (2). The court reminds Petitioner that his claims are condensed and summarized for clarity. The court will, however, amend Claim Two to include a twelfth subpart to read:

Claim Two: Petitioner was denied effective assistance of counsel *because* counsel failed to raise on direct appeal . . . **(12)** Petitioner's assigned errors on both direct appeals as federal constitutional claims.

IT IS THEREFORE ORDERED that: Petitioner's claims are amended to include Claim Two, subpart (12) as set forth in this Memorandum and Order. Respondents shall respond to Claim Two, subpart (12) in addition to Petitioner's claims as set forth in [Filing No. 128](#).

Dated this 23rd day of August, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge